

Notice of Allowability

Application No.

10/019,873

Applicant(s)

IDEKER ET AL.

Examiner

Jeffrey R. Jastrzab

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the phone interview conducted on 10/5/05.
2. ☒ The allowed claim(s) is/are 1-14 and 26-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Goldstein on 10/7/05.

The application has been amended as follows:

In Claim 1:

in line 5, after "electrically", - - and mechanically - - has been added;

in line 9, before "first", - - at least a- - has been added;

in line 12, before "first", - - at least a- - has been added;

in line 15, before "first", - - at least a- - has been added;

and in line 17, before "first", - - at least a- - has been added.

In Claim 2:

in line 2, before "conductor", - - at least a first- - has been added.

In Claim 3:

in line 2, before "conductor", - - at least a first- - has been added.

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In Claim 5:

in line 2, before "conductor", - - at least a first- - has been added.

In Claim 6:

in line 1, before "conductor", - - at least a first- - has been added.

In Claim 7:

in line 1, before "conductor", - - at least a first- - has been added.

In Claim 8:

in line 1, before "conductor", - - at least a first- - has been added.

In Claim 9:

in line 1, before "conductor", - - at least a first- - has been added.

Claims 15-25 have been canceled.

In Claim 26:

in line 5, "at least one" has been deleted and after "electrically", - - and mechanically - - has been added.

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In Claim 35:

in line 1, before "electrical", - - at least one- - has been added.

In Claim 36:

in line 1, before "electrical", - - at least one - - has been added.

In Claim 37:

in line 1, before "electrical", - - at least one - - has been added.

In Claim 38:

in line 1, before "electrical", - - at least one - - has been added.

In Claim 39:

in line 1, before "electrical", - - at least one - - has been added.

Claims 41-49 have been canceled.

The following is an examiner's statement of reasons for allowance: In an interview conducted on 10/7/05 with Mr. Rose, the Bonner et al. reference was discussed in depth. The Examiner suggested that the term "mechanically" be added to the limitation that the first conductor is separate from the stimulus generator to clarify that there is no electrical or mechanical association during use and to avoid the

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possibility that the first conductor be mechanically connected and not electrically connected as in Bonner et al. when the activation switching arrangement in the pulse generator circuitry is between pulses, i.e. not in electrical contact.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Jastrzab whose telephone number is (571) 272-4947. The examiner can normally be reached on M-W 5:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFREY R. JASTRZAB
PRIMARY EXAMINER
10/14/05